

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CARL ALONZO BROOKS,

Petitioner,

v.

JEFFERY PERKINS,

Respondent.

CASE NO. 3:25-CV-5509-MJP-DWC

ORDER FOR SERVICE AND
ANSWER, § 2254 PETITION

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner is currently incarcerated at **Coyote Ridge Corrections Center** and is subject to the Court's Prisoner E-Filing Initiative pursuant to General Order 06-16. The Court declined to direct Respondent to answer Petitioner's original petition due to identified deficiencies and directed Petitioner to file an amended petition if he intended to pursue habeas relief. Dkt. 6. Petitioner's amended petition is now before the Court for review. Dkt. 7.

The Court, having reviewed Petitioner's amended federal habeas petition, hereby finds and **ORDERS** as follows:

(1) The Clerk shall arrange for service, by e-mail upon Respondent and upon the Attorney General of the State of Washington, of copies of: the amended petition (Dkt. 7), any

1 other documents filed in support of the petition, and this Order. The Clerk shall also direct a
2 copy of this Order and of the Court's *pro se* instruction sheet to Petitioner.

3 (2) Within ***forty-five (45) days*** after such service, Respondent shall file and serve an
4 answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United States
5 District Courts. **The Court notes that Petitioner has not clearly shown the petition is not**
6 **successive. However, based on the record before the Court and in an abundance of**
7 **caution, the Court directs service of this petition to determine whether the petition is**
8 **successive. While Respondent is directed to address this issue, Respondent's answer is not**
9 **limited to whether the petition is successive.** As part of such answer, Respondent shall state
10 whether Petitioner has exhausted available state remedies and whether an evidentiary hearing is
11 necessary. Respondent shall not file a dispositive motion in place of an answer without first
12 showing cause as to why an answer is inadequate. Respondent shall file the answer with the
13 Clerk of the Court and serve a copy of the answer on Petitioner.

14 (3) The answer will be treated in accordance with LCR 7. Accordingly, on the face
15 of the answer, Respondent shall note it for consideration no earlier than 28 days after filing.
16 Petitioner may file and serve a response not later than 21 days after the filing date of the
17 response, and Respondent may file and serve a reply not later than 28 days after the filing date of
18 the motion.

19 (4) Filing by Parties, Generally

20 All attorneys admitted to practice before this Court are required to file documents
21 electronically via the Court's CM/ECF system. Petitioner shall file all documents electronically.
22 All filings must indicate in the upper right hand corner the name of the Magistrate Judge to
23 whom the document is directed.

Any document filed with the Court must be accompanied by proof that it has been served upon all parties that have entered a notice of appearance in the underlying matter. Petitioner shall indicate the date the document is submitted for e-filing as the date of service.

(5) Motions

Any request for court action shall be set forth in a motion, properly filed and served. Pursuant to LCR 7(b), any argument being offered in support of a motion shall be submitted as a part of the motion itself and not in a separate document. The motion shall include in its caption (immediately below the title of the motion) a designation of the date the motion is to be noted for consideration on the Court's motion calendar.

(6) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

(7) Plaintiff's Motion for Correction of Clerical Errors (Dkt. 8)

Plaintiff filed a motion requesting that the case caption be changed to name "Jeffery Perkins" as the Respondent in this case. Dkt. 8. A review of the docket indicates this change has already been made, so Plaintiff's motion (Dkt. 8) is denied as moot.

Dated this 5th day of September, 2025.



David W. Christel
United States Magistrate Judge